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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,773	02/15/2001	Joseph D. Udy		2351
7590	04/15/2004			
Joseph D. Udy Apt. # 362 4466 S. Helena Way Aurora, CO 80015-4415			EXAMINER HEALY, BRIAN	
			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/784,773	Applicant(s) UDY, JOSEPH D.	
	Examiner Brian M. Healy	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 and 33-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>041304</u> . <i>Brian Healy</i> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In Claim 12-31, there is no support in the specification as it was originally filed for “..laser diode arrays and liquid crystal displays “ , “..having symbols and scenes having a submillimeter size”, ...” ..the pulses having a ultra-short duration; femtosecond, and the like.”...” ..said strings are created by providing selective switching of the laser light pulse images..”. These limitations have been determined to be new matter and must be deleted from the claims.

Claim 32 appears to be missing from the case and as such will not be treated on the merits.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-31 and 33- 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, purports to be an article claim, "In combination, including..., however only method limitations are actually recited, i.e. "...creating, forming or etching of information symbols.....creating optical images...creating strings of said images.." The scope of what Applicant is attempting to claim is substantially unclear. There are no recited means , i.e. etching means, imaging means, symbol creating means..ect in the claim in order to this claim to be an article claim.

Dependent claims 13-21 are rejected for being inclusive of claim 12.

In claim 22, although first through third means are recited in the claim it is unclear from the claim language as to how the recited means are to provide the recited function. An example of this is in lines 2-3 of claim 22 which recites: "...first means, information symbols or scenes...ect." It is not known from the claim language that Applicant the first means provides the information symbols. It is also unclear as to how the information symbols are created by the first means.

Dependent claims 23-31 are rejected as being dependent upon rejected claim 22.

Claim 33 is rejected for the same reasons as was applied to claim 1. Dependent claims 34-41 are rejected as being inclusive of rejected claim 33.

Claim 42 is rejected for the same reasons as was applied to claim 12. Dependent claims 43-51 are rejected as being inclusive of claim 42.

Claim 52 is unclear, vague and indefinite there is no recited means to provide the laser pulse images and the symbols. Also, it is substantially unclear as to how images are transmitted after they are created.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-31 and 33-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern et. al., U.S.P. No.5,877,899.

Stern et. al. 899' teaches (Figs.1-15) a laser system for imaging indicia 30 or symbols onto a mirrored surface comprising: an array of laser diodes 66 (Note these laser diodes can be used in conjunction with a liquid crystal array to provide a switched or pulsed output.) which uses imaging means 36,38 and 40 to provide symbols and indicia of an extremely small size which are etched onto a mirrored surface 30 (Note

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that the mirrored surface is a polished semiconductor surface which would inherently include MEMS type semiconductor mirrors.), which clearly, fully meets Applicant's claimed limitations.

Applicant's response, filed 2/9/04, has been considered but is moot in view of the new grounds of rejection. THIS OFFICE ACTION HAS NOT YET BEEN MADE FINAL.

The following references are also recited by the Examiner as being pertinent prior art: Chovan et. al., U.S.P. No.3,920,951 (Figs.1-4) and Stanisci, U.S.P. No.5,331,443 (Figs.1-2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernik can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian M. Healy
Primary Examiner
Art Unit 2874

A handwritten signature in black ink that reads "Brian Healy". The signature is written in a cursive, flowing style.

Brian Healy
Primary Examiner